

Message Text

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51

ACTION NEA-10

INFO OCT-01 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00 DOTE-00

EB-07 INR-07 NSAE-00 FAA-00 PM-03 H-02 L-03 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10 OMB-01 /076 W

----- 073553

R 271104Z MAY 75

FM AMCONSUL KARACHI

TO SECSTATE WASHDC 8880

INFO AMEMBASSY NEW DELHI

AMEMBASSY ISLAMABAD

AMEMBASSY KABUL

AMCONSUL LAHORE

LIMITED OFFICIAL USE JURACHI 0966

E.O. 11652: N/A

TAGS: PFOR, PK, IN, EAIR

SUBJECT: DIRECTOR GENERAL CIVIL AVIATION'S VIEW OF MAY 15-20

DELHI TALKS

REF: (A) DELHI 6859 (B) ISLAMABAD 4651 (C) ISLAMABAD 4672

(D) KARACHI 0252

BEGIN SUMMARY: DGCA M.R. RIZVI SHED NO PARTICULARLY NEW LIGHT ON UNSUCCESSFUL AVIATION ASPECT OF DELHI TALKS. HE DID EMPHASIZE "LIBERAL" PAK POSITION IN HOLDING ICAO COMPLAINT IN COMPLETE ABEYANCE DURING BILATERAL AVIATION TALKS WITH INDIA AND CLAIMED DELHI FREE RECOMMENCE OVERFLIGHTS AT ANY TIME. WE SUSPECT PAK RELUCTANCE COMPLETELY WITHDRAW OVERFLIGHT COMPLAINT FROM ICAO MAY STEM FROM FEAR SUCH ACTION WOULD CONSTITUTE EROSION OF PAK RIGHT TO APPEAL ANY DIFFERENCES WITH INDIA TO INTERNATIONAL BODY IN FUTURE. IN ANY EVENT, SINCE OVERFLIGHT RIGHTS NOW MORE IMPORTANT TO INDIA THAN TO PAKISTAN AFTER SPLIT-OFF OF BANGLADESH ELIMINATED VALUE OF OVERFLIGHT RIGHTS BETWEEN TWO FORMER WINGS OF PAKISTAN, PAKS MAY SEE NO COMPELLING REASON TO MAKE SERIOUS COMPROMISE IN THEIR POSITION REGARDING ULTIMATE APPEAL TO ICAO AS

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INTERNATIONAL BODY. END SUMMARY.

1. DURING DPO'S CALL ON DGCA M.R. RIZVI FOLLOWING RETURN FROM DELHI LATTER OFFERED NO CONFIDENCES CONCERNING PROGRESS OF NEGOTIATIONS THERE. HE DID EMPHASIZE, HOWEVER, WHAT HE CLAIMED HAD BEEN FLEXIBILITY OF PAK POSITION IN THAT PAK TEAM HAD GUARANTEED LONG DORMANT ICAO COMPLAINT WOULD NEVER BE ACTIVATED WHILE BILATERAL TALKS PROCEEDED. RIZVI BELIEVED INDIAN INSISTENCE ON COMPLETE WITHDRAWAL OVERFLIGHT DAMAGE CASE FROM ICAO WOULD HAVE FORCED UNWARRANTED ABANDONMENT ULTIMATE PAK RIGHTS TO BRING SPECIFIC COMPLAINTS BEFORE INTERNATIONAL BODIES. "SIMLA DOES NOT MEAN WE WITHDREW FROM THE UN" RIZVI SAID. PERHAPS BRISINGENUOUSLY, RIZVI POINTED OUT THAT PAKS HAD NEVER ISSUED ANY NOTAMS (NOTICES TO AIRMEN) PROHIBITING OVERFLIGHT OF PAKISTAN BY INDIAN AIRCRAFT AND THAT SUCH AIRCRAFT THEREFORE FREE OVERFLY PAKISTAN TODAY OR ANY DAY. OVERFLIGHT AND AVIATION LINK QUESTIONS COULD HAVE BEEN DISCUSSED AND AGREEMENT REACHED EVEN WHILE PAKISTAN'S OVER-FLIGHT DAMAGE CLAIM STILL PENDING ACCORDING RIZVI, IF NOT FOR INDIAN INTRANSIGENCE.

2. COMMENT: WE GET IMPRESSION PAKS MAY BE STICKING ON QUESTION OF COMPLETE WITHDRAWAL COMPLAINT FROM ICAO OUT OF FEAR THIS ACTION MIRISB, NO MATTER HOW SLIGHTLY OR INDIRECTLY, ERODE THEIR ULTIMATE RIGHT OF APPEAL TO INTERNATIONAL BODIES SUCH AS UN IN CASE OF PERCEIVED INFRINGEMENT ON PAK RIGHTS BY INDIA IN FUTURE. FROM PURELY CIVIL AVIATION VIEWPOINT, HOWEVER, PAKS ALSO NO DOUBT SEE THEMSELVES IN STRONG POSITION CALLING FOR GREATER FLEXIBILITY ON INDIAN THAN ON PAK SIDE. WHEN GOI FORBADE PAK OVERFLIGHTS BECAUSE OF "GANGA" HIGHJACKING INCIDENT IN 1971, PAK COMMUNICATIONS AND PIA OPERATIONS SEVERELY HURT BY INDIAN OVER-FLIGHT PROHIBITION BETWEEN THEN EXISTING TWO WINGS OF PAKISTAN. AFTER SPLIT-OFF OF EAST WING AND CONSEQUENTLY MUCH REDUCED VALUE OF INDIAN OVERFLIGHT PRIVILEGES TO PAKISTAN, INDIA BECAME THE MORE SEVERELY DAMAGED FROM ABSENCE OF OVERFLIGHTS ESPECIALLY WITH RESPECT TO AFGHANISTAN. UNDER THESE CIRCUMSTANCES PAKS MAY FEEL NO GREAT ECONOMIC INCENTIVE TO COMPROMISE ON WHAT THEY EVIDENTLY FEEL, IN ICAO CASE, TO BE A MATTER OF PRINCIPLE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, PROPAGANDA, AIRCRAFT OVERFLIGHTS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975KARACH00966
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750184-0874
From: KARACHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750517/aaaaapia.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 DELHI 6859, 75 ISLAMABAD 4651, 75 ISLAMABAD 4672
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 29 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 JUL 2003 by ShawDG>; APPROVED <24 NOV 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DIRECTOR GENERAL CIVIL AVIATION'S VIEW OF MAY 15-20 DELHI TALKS
TAGS: PFOR, EAIR, PK, IN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006